

DEQ# _____-OC

STATE OF MONTANA SAVINGS CERTIFICATE ASSIGNMENT

SPECIAL INSTRUCTIONS:

1. The Department of Environmental Quality must have the original of this form, and the original of the Certificate.
2. The Certificate must be made out in both the Assignor's **AND** the Department of Environmental Quality names.
3. Please fill in the acreage and legal description in number 2; the Department will complete the permit/amendment number and issue date when the permit is issued.
4. The Acknowledgements of numbers 9 and 10 must be filled out in their entirety. (Number 9: If you are signing as a person, please fill out the "**PERSONAL ACKNOWLEDGEMENT**"; if signing for a corporation, please fill out the "**CORPORATE ACKNOWLEDGEMENT**".) (Number 10: The signature that needs to be notarized is that of the person who is signing for the Bank.)

1. For value received, _____, Assignor, does hereby assign, transfer, and set over to the State of Montana, Department of Environmental Quality (hereinafter called the State), all rights and interests in a Savings Certificate No. _____ in the amount of \$ _____, payable on or after _____, _____, _____ issued by _____ (hereinafter called Bank), and payable to _____ the Assignor herein.
2. The Assignor makes this assignment pursuant to the Opencut Mining Act and Opencut Permit No. _____ and/or Amendment No. _____ issued by the State to _____ on _____, _____. Said Permit and/or Amendment covers _____ acres in the _____ 1/4 _____ 1/4, Section _____, Township _____ N/S, Range _____ E/W in _____ County.
3. The Assignor may withdraw or otherwise dispose of any earnings attributed to the Savings Certificate while the same is assigned to the State.
4. The Assignor may, with the consent of the State, replace or renew a Savings Certificate once it has expired, or is voided by the Bank and the Assignor shall be entitled to the rights as laid out in Clause 3 with respect to the new Savings Certificate. A new Savings Certificate Assignment shall be executed if the Savings Certificate is replaced.
5. The State may at any time after the Contractor fails to fully comply with all requirements of the Opencut Mining Act and the Rules and Regulations thereunder and the said permit, and/or amendment, and after giving written notice to the Assignor, surrender the Savings Certificate to the Bank in exchange for money.
6. The Assignor is entitled to any earnings or interest upon the cash proceeds after the State has surrendered the Savings Certificate.
7. The Savings Certificate shall be held by the State of Montana during the term of this Assignment.
8. The Assignor hereby authorizes and directs the Bank to pay the above-described Savings Certificate as instructed by the State until such time as the Bank shall receive the Release provided for below. The Bank shall not be liable to inquire whether there has been performance by Contractor or to see to the application of any moneys paid on instruction of the State, and in such matters the Bank may rely upon the instructions of the State executed over the signature of the person, or his designee, appearing under the Acceptance below without the need to verify the authority of such person. Nothing herein shall prevent the State from designating a person authorized to act for it in another lawful manner.

9. Signed and dated at _____, Montana, this _____ day of _____, _____.

Address: _____, City/State/Zip: _____

(Assignor's signature)

PERSONAL ACKNOWLEDGEMENT

STATE OF _____)

ss.

County of _____)

On this _____ day of _____, in the year _____, before me, _____, notary public for the State of _____, personally appeared _____ known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing assignment of Savings Certificate, and acknowledged to me that he (they) executed the same.

CORPORATE ACKNOWLEDGEMENT

On this _____ day of _____, in the year _____, before me, _____, notary public for the State of _____, personally appeared _____ known to me to be the _____ of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

(Notarial Seal)

Notary Public for the State of _____
Residing at _____
My Commission Expires _____

BANK ACCEPTANCE

10. The _____ Bank, as witnessed below by the signature of a duly authorized officer, hereby recognizes this above assignment of Savings Certificate No. _____ in the amount of \$ _____ this _____ day of _____, _____.

(Bank)

(Authorized signature)

(Address)

(City, State, Zip)

CORPORATE (BANK) ACKNOWLEDGEMENT

STATE OF _____)

ss.

County of _____)

On this _____ day of _____, in the year _____, before me, _____, notary public for the State of _____, personally appeared _____ known to me to be the _____ of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

(Notarial Seal)

Notary Public for the State of _____
Residing at _____
My Commission Expires _____

STATE OF MONTANA
SAVINGS CERTIFICATE ASSIGNMENT
(Continued)

STATE'S ACCEPTANCE

11. The State of Montana, Department of Environmental Quality, hereby accepts the foregoing assignment of the Savings Certificate No. _____ drawn on _____ in the amount of \$ _____ this _____ day of _____, _____.

(Authorized signature)

RELEASE

12. The above assignment of Savings Certificate No. _____ drawn on _____ in the amount of \$ _____ is hereby released. The authorized signature below shall witness the termination of the State's interest in the Assignment.

(Authorized signature)

13. I, _____, Assignor in the above Agreement, recognize by my signature below the release of the assignment as carried out in Clause 7 above. Signed this _____ day of _____, _____.

(Authorized signature)
